

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FEB 15 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

RICK P. SMITH,

Plaintiff - Appellant,

v.

J. SILVA, #68223; et al.,

Defendants - Appellees.

No. 07-17296

D.C. No. CV-07-04437-WHA  
Northern District of California,  
San Francisco

ORDER

Before: WALLACE, LEAVY and RYMER, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the November 30, 2007 notice of appeal was not filed or delivered to prison officials within 30 days from entry of the September 17, 2007 judgment. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional). Consequently, this appeal is dismissed for lack of jurisdiction.

PROSE

INTERNAL USE ONLY: Proceedings include all events.  
07-17296 Smith v. Hutton, et al

RICK P. SMITH  
Plaintiff - Appellant

Rick P. Smith  
T-98778  
[NTC prs]  
SQSP - SAN QUENTIN STATE PRISON  
Inmate Mail  
San Quentin, CA 94974

v.

J. SILVA, #68223  
Defendant - Appellee

No appearance  
No Address  
Generic Address  
City,

HUTTON, #70473  
Defendant - Appellee

No appearance  
(See above)

A. PERRY, Deputy, #71794  
Defendant - Appellee

No appearance  
(See above)

W. ENGELSTAD, #64889  
Defendant - Appellee

No appearance  
(See above)

BEHRMANN, #70587  
Defendant - Appellee

No appearance  
(See above)

FOREMAN, Deputy, #68550  
Defendant - Appellee

No appearance  
(See above)